



DEVELOPMENT SERVICES MEMORANDUM

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File: D30-007-
2021
Pending #:

TO: MAYOR J. LEHMAN AND MEMBERS OF PLANNING COMMITTEE

FROM: S. WHITE, RRP, PLANNER

NOTED: M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES
A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: PUBLIC MEETING FOR PROPOSED CITY-WIDE AMENDMENT TO COMPREHENSIVE ZONING BY-LAW 2009-141 FOR AFFORDABLE HOUSING

DATE: JUNE 15, 2021

The purpose of this Memorandum is to advise members of Planning Committee of the Public Meeting regarding a City-initiated amendment to Comprehensive Zoning By-law 2009-141 to update standards that impact the provision affordable housing and address potential impact to existing neighbourhoods as a result of detached accessory dwellings.

In March 2021, Development Services provided an update to Council on progress made towards the City's Affordable Housing Strategy goal to create 840 affordable units by 2024. Included in that report were several recommendations, including a review of Zoning By-law standards and proposed amendments to facilitate more affordable housing options.

The purpose of the proposed amendment is to facilitate more affordable housing options, address potential conflicts emerging as detached accessory dwellings are built in existing neighbourhoods, and to update and refine the intent and contents of Comprehensive Zoning By-law 2009-141 for this purpose.

The intent of the proposed amendment is to address matters that may create barriers to housing affordability, as well as the need to clarify definitions, update development standards for second suites and detached accessory dwellings including those that have the potential to impact existing neighbourhoods, and improve implementation of the By-law to support affordable housing initiatives.

Proposed Updates to Second Suites and Detached Accessory Dwelling Unit Provisions

The proposed updates to the second suites and detached accessory dwelling unit provisions are intended to address concerns regarding land use compatibility and affordability, while maintaining conformity with provincial *Planning Act* requirements.

As noted in the Affordable Housing Monitoring Report (Reporting Period: 2018, 2019 and 2020), there has been considerable uptake in the construction of second suites in the City, however the affordability of these units is declining, both in the short and long term. In 2020, only 25% of new second suites were assumed to be rented at an affordable rate, compared to 70% in 2018 and 2019, and 90% in 2017. Staff have also noted a growing interest in the construction of detached accessory dwelling units, as well as concerns from residents regarding their size, placement on the property and impacts on neighbouring properties.

Other Proposed Affordable Housing Changes

Other changes proposed to the Zoning By-law seek to make it easier to building more affordable housing options by permitting smaller units, making it easier to create additional dwelling units in existing multi-residential buildings and exploring options for mixed institutional-residential proposals.

Providing more as-of-right permissions in the Zoning By-law for affordable units is intended to provide greater project certainty for housing providers, make it easier to secure funding, and reduce approval times – all of which both directly and indirectly impact the cost and feasibility of building affordable housing.

Summary of Proposed Amendment

The proposed amendment to the text of the By-law is detailed in the chart attached to this memorandum as Appendix “A” and summarized below. Note that these changes may also trigger associated revisions to standard requirements in other sections of the By-law.

Minimum Dwelling Unit Size

- Delete all minimum dwelling unit floor area requirements from the Zoning By-law to permit smaller units as of right, and instead rely on the Ontario Building Code to regulate minimum unit size.

Section 3.0 Definitions

- Make changes to Section 3.0 Definitions to improve implementation of the By-law, including:
 - Revise “Basement,” “First Storey,” and “Storey” to match the Ontario Building Code definitions.
 - Revise “Detached Accessory Dwelling Unit,” “Duplex Dwelling,” and “Second Suite” to improve clarity and better distinguish between these built forms.
 - Revise “Multiple Dwelling” to state it is a building containing 4 or more units.
 - Add “Tandem Parking Space” for clarity.

Section 4.4. Non-Conforming Uses

- Make changes to Section 4.4 Non-Conforming Uses to make it easier to add additional dwelling units into existing, legal non-conforming buildings or lots by exempting them from meeting current zoning standards, except for parking, when adding units into an existing building, including converting non-residential buildings to a residential use or mixed use. This would only apply when the proposed use is already permitted on the property. Any new construction or additions to the existing building would need to comply with applicable zoning standards.

Permitted Uses in Residential Zones

- Update Table 5.2 to clarify that “Second Suites” are a permitted accessory use, and add “Detached Accessory Dwelling Unit” as a permitted accessory use in the R1, R2, R3, R4, RM1, RM1-SS, RM2, and RM2-TH zones.
- Update Table 14.5.2 to change “Two Unit Dwelling” to “Semi-Detached, Duplex Dwelling” and add “Detached Accessory Dwelling Unit” as a distinct permitted Accessory Use in the R5 and RM3 zones, subject to the new standards in Section 5.2.9 within the secondary plan areas of Hewitts and Salem.

Standards for Second Suites

- Make changes to the existing second suite standards, including:
 - Clarifying that these are only permitted as an accessory use to a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit.
 - Setting a new maximum unit size.

Standards for Detached Accessory Dwelling Units

- Make changes to the standards for detached accessory dwelling unit standards, including:
 - Clarifying that these are only permitted as an accessory use to a single detached dwelling, duplex dwelling, semi-detached dwelling unit, or street townhouse dwelling unit.
 - Setting a maximum unit size.
 - Establishing different minimum lot area requirements for single-storey and two-storey detached accessory dwelling units.



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- Establishing different minimum development standards for single-storey and two-storey detached accessory dwelling units, including maximum building height and minimum yard setbacks requirements.
 - Establish that the first storey of a two-storey detached accessory dwelling unit shall be used as a private garage, and that a basement is not permitted in any detached accessory dwelling unit.
 - Establish a minimum driveway length for detached garages that are attached to a detached accessory dwelling unit.
 - Detached accessory dwelling units would continue to be subject to the maximum lot coverage requirements for accessory structures, and not permitted in front yards.

Institutional and Residential Uses

- Amend Section 8.0 Institutional to permit residential uses in conjunction with permitted Institutional uses on properties zoned Institutional (I), subject to appropriate development standards.



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APPENDIX "A"

1. Delete Minimum Dwelling Unit Floor Area/Gross Floor Area (GFA) Requirements																																		
Item	Section Reference	Explanation	Existing – By-law 2009-141									Proposed Revisions																						
1.1	5.2.7.2 c)	Delete minimum floor area requirements for converted dwellings.	c) Every <i>dwelling unit</i> contained within a <i>converted dwelling</i> shall have a minimum floor area in accordance with the following: (i) Bachelor unit - 35m ² ; (ii) All other <i>dwelling units</i> - 35m ² plus 10m ² per each additional bedroom; (iii) In the subsections above, where any <i>converted dwelling</i> contains locker storage or common laundry facilities, the minimum floor area may be reduced a maximum of 5m ² .									[Delete]																						
1.2	5.2.9.1 f)	Delete minimum floor area for second suite or detached accessory dwelling unit.	f) A <i>second suite</i> or <i>detached accessory dwelling unit</i> shall not be less than 35m ² in size. (By-law 2015-056) (By-law 2019-115)									[Delete]																						
1.3	Table 5.3	Delete minimum dwelling unit floor area requirements in all residential zones.	<p><i>Dwelling unit floor area</i> (min):</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>RH</th> <th>R1</th> <th>R2</th> <th>R3</th> <th>R4</th> <th>RM1</th> <th>RM1-SS</th> <th>RM2</th> <th>RM2-TH</th> <th>RA1</th> <th>RA2</th> </tr> </thead> <tbody> <tr> <td>100 m²</td> <td>110 m²(*)</td> <td>90 m²(*)</td> <td>70 m²(*)</td> <td>70 m²(*)</td> <td>70 m²(6)</td> <td>70 m²(6)</td> <td colspan="4">35m²/dwelling unit + 10m²/bedroom</td> </tr> </tbody> </table> <p>(*) Shall be the minimum <i>dwelling unit floor area</i> for the principal use (dwelling unit). (By-law 2015-056) (6) - See 5.3.4.3</p>									RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2	100 m ²	110 m ² (*)	90 m ² (*)	70 m ² (*)	70 m ² (*)	70 m ² (6)	70 m ² (6)	35m ² /dwelling unit + 10m ² /bedroom				[Delete " <i>Dwelling unit floor area</i> (min)" row and the "(*) Shall be the minimum <i>dwelling unit floor area</i> for the principal use (dwelling unit). (By-law 2015-056)" notation below Table 5.3]
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1.4	5.3.4.3	Delete minimum unit GFA requirements for duplex dwellings.	<p><u>Duplexes</u></p> <p>The minimum <i>lot area</i> shall be 560m² with a minimum <i>lot frontage</i> of 17m. The main unit must be a minimum of 70m² with the second unit a minimum of 35m² for a bachelor unit. For each additional bedroom a minimum of 10m² shall be required.</p>									<p><u>Duplexes</u></p> <p>The minimum <i>lot area</i> shall be 560m² with a minimum <i>lot frontage</i> of 17m.</p>																						
1.5	5.4.2.2 a)	Delete minimum dwelling unit floor area requirements in the Mixed Use (MU) zones.	a) The minimum dwelling unit floor area for any such dwelling unit shall comply with the standards set out in Section 5.3 of this By-law for the Apartment Dwelling Second Density (RA2) Zone.									[Delete]																						
1.6	6.3.4.2	Delete minimum floor area requirements for residential uses in the same building as commercial uses.	<p><u>In the same building as a Commercial Use</u></p> <p>Where a residential use is located in the same building as a commercial use in the Central Area Commercial (C1) Zone, Transition Centre Commercial (C2) Zone, <i>Shopping Centre Commercial</i> (C3) Zone, General Commercial (C4) Zone or Convenience Commercial (C5) Zone, the minimum <i>dwelling unit floor area</i> for any such <i>dwelling unit</i> shall comply with the standards set out in Section 5.3 of this By-law for the <i>Apartment Dwelling</i> Second Density (RA2) Zone.</p>									[Delete]																						



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1.7	Table 14.5.6	Delete minimum dwelling unit floor area requirements in the Salem and Hewitt's Communities Provisions.	<p><i>Dwelling unit floor area (min):</i></p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="3">Neighbourhood Residential R5 Zone</th> <th colspan="4">Neighbourhood Residential Multiple Zone RM3</th> </tr> <tr> <th>Single</th> <th>Semi</th> <th>Street Townhouse</th> <th>Back To Back Townhouse</th> <th>Block/ Cluster/ Street Townhouse</th> <th>Walk-Up Apts.</th> <th>Apts.</th> </tr> </thead> <tbody> <tr> <td>90 m²</td> <td>90 m²</td> <td>90 m²</td> <td colspan="4">35m²/dwelling unit + 10m²/bedroom</td> </tr> </tbody> </table>	Neighbourhood Residential R5 Zone			Neighbourhood Residential Multiple Zone RM3				Single	Semi	Street Townhouse	Back To Back Townhouse	Block/ Cluster/ Street Townhouse	Walk-Up Apts.	Apts.	90 m ²	90 m ²	90 m ²	35m ² /dwelling unit + 10m ² /bedroom				[Delete "Dwelling unit floor area (min)" row]
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2. Update Definitions in Section 3.0

Item	Defined Term	Revisions/Explanation	Existing – By-law 2009-141	Proposed Revisions
2.1	Basement	Replace with Ontario Building Code (OBC) definition.	Shall mean that portion of a building between two floor levels which are partly below the finished grade level and in which the height from adjacent finished grade level to the ceiling is less than 1.8m.	Shall mean one or more storeys of a building located below the first storey.
2.2	Detached Accessory Dwelling	Improve clarity by providing stand alone definition, instead of cross referencing with second suite.	Shall mean a detached accessory building containing a second suite located on the same property as the principal dwelling unit.	Shall mean an accessory dwelling unit that is located within a detached accessory building on the same property as a single detached dwelling, semi-detached dwelling unit, duplex, or street townhouse dwelling unit, and is subordinate to the principal unit.
2.3	Duplex Dwelling	This should allow for more equal sized units, only in certain zones	Shall mean a building greater than 1 storey in height divided all or in part horizontally or back to front into 2 separate dwelling units.	shall mean a detached residential building divided horizontally, or back to front, above grade into 2 separate dwelling units, each of which has an independent entrance either directly or through a common vestibule. A single detached dwelling with a second suite is not a duplex.
2.4	First storey	Replace with Ontario Building Code (OBC) definition.	Shall mean the floor of a building approximately at, or the first above, the finished grade level.	Shall mean the storey that has its floor closest to grade and its ceiling more than 1.8 m above grade.
2.5	Multiple Dwelling	Revise definition to state this is 4 or more dwelling units, not 2 or more, to distinguish between built form. This definition has limited use in the By-law and is only referenced in Sections 4.4.3 & 5.3.3.2d). Updates to Section 4.4.3 to reflect the changed definition are noted below. Changing the definition will exempt two and three unit dwellings from Section 5.3.3.2 d) requirements to provide a 7m deep landscaped open space area where dwelling unit has a secondary means of access to the exterior area at ground level.	Shall mean a residential building, containing 2 or more dwelling units but shall not include an apartment dwelling or a converted dwelling.	Shall mean a residential building, containing 4 or more dwelling units but shall not include an apartment dwelling or a converted dwelling.



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2.6	Storey	Replace with Ontario Building Code (OBC) definition.	Shall mean that portion of a building other than a basement or attic storey which is included between one floor level and the next higher floor level or the ceiling.	Shall mean, except for the purposes of Part 7 of Division B of the Ontario Building Code, the portion of a building, (a) that is situated between the top of any floor and the top of the floor next above it; or (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.
2.7	Second Suite	Update definition to clarify the types of built form a second suites can be located in, as per the Planning Act.	Shall mean an accessory dwelling unit that is located within the principal structure on a property, and is subordinate to a principal unit. (By-law 2015-056) (By-law 2017-079) (By-law 2019-115)	Shall mean an accessory dwelling unit that is located within a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit, and is subordinate to the principal unit.
2.8	Tandem parking space	Add a new definition that is consistent with O. Reg. 299/19: Additional Residential Units.	[None]	Shall mean a single (1) parking space that can only be accessed by passing through one (1) other parking space from a street, lane, or driveway.

3. Changes to Section 4.4 Non-Conforming Uses

Item	Section Reference	Revisions/Explanation	Existing – By-law 2009-141	Proposed Revisions
3.1	4.4.3	Update wording to reflect proposed changes to the “Multiple Dwelling” definition to avoid unintended implications of changing the number of units that includes.	4.4.3 Restoration of Non-Conforming Use Any non-conforming building or structure other than a single detached dwelling, converted dwelling or a multiple dwelling which has been destroyed to the extent of more than fifty percent of the structure (exclusive of walls below grade) at the date of destruction and as determined by the Chief Building Official, shall not be restored except in conformity with the permitted uses and standards of this By-law for the zone in which it is located.	4.4.3 Restoration of Non-Conforming Use Any non-conforming building or structure other than a single detached dwelling, converted dwelling, two-unit dwelling, three-unit dwelling, or a multiple dwelling which has been destroyed to the extent of more than fifty percent of the structure (exclusive of walls below grade) at the date of destruction and as determined by the Chief Building Official, shall not be restored except in conformity with the permitted uses and standards of this By-law for the zone in which it is located.
3.2	4.4.2.3	Remove this provision to prevent as of right down-zoning and the removal of dwelling units where it would result in a residential use that is not a permitted in the zone. For reference, Section 4.4.2.1 states: “Notwithstanding any other provision of this By-law, the use on the day of the passing of this By-law of any land, building or structure for a purpose shall not be changed or altered or extended unless the land, building or structure can conform with the standards for land, building or structures imposed by this By-law for the use for a purpose permitted by this By-law for land, buildings or structures in the zone in which it is located.”	Section 4.4.2.1 shall not apply to a change of a residential use which results in a reduction in the number of dwelling units on the subject lands.	[Delete]



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3.3	4.4.2.4	Add a provision to make it easier to convert existing non-conforming buildings and structures to residential uses, or add dwelling units within an existing building (such as a basement or attic conversion to habitable space), by exempting this from the requirements of Section 4.4.2.1.	[None]	Notwithstanding Section 4.4.2.1, any existing <i>lot</i> or <i>building</i> is exempt from meeting the current zoning standards, save and except for parking required in Section 4.6, when adding <i>dwelling units</i> within the existing <i>building</i> provided the <i>use</i> is permitted in the <i>zone</i> in which it is located. New construction or additions to an existing <i>building</i> , including the conversion of a detached <i>accessory building or structure</i> into a <i>detached accessory dwelling unit</i> , shall comply with all applicable development standards.
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4. Updates to Second Suite and Detached Accessory Dwelling Unit Provisions

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4.1	Table 5.2	<p>Move “<i>Second Suite</i>” under “<i>Accessory Use</i>” heading, and continue to apply notation (15), which requires this use to meet the standards in Section 5.2.9. Remove the use of notations (2), (3) and (4) from this row, which recognize non-conforming dwelling types, since Section 5.2.9 now clarifies what type of built-form <i>second suites</i> and <i>accessory detached dwelling units</i> can be accessory to.</p> <p>Add “<i>Detached Accessory Dwelling Unit</i>” as a defined permitted use under “<i>Accessory Use</i>” in zones that permit ground-oriented development, and apply notation (15) which requires this use to meet the standards in Section 5.2.9.</p>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="3" style="width: 10%;">Uses</th> <th colspan="12">Zones</th> </tr> <tr> <th colspan="5">Single Detached</th> <th colspan="4">Multiple</th> <th colspan="3">Apartment</th> </tr> <tr> <th>RH</th> <th>R1</th> <th>R2</th> <th>R3</th> <th>R4</th> <th>RM1</th> <th>RM1-SS</th> <th>RM2</th> <th>RM2-TH</th> <th>RA1</th> <th>RA2</th> </tr> </thead> <tbody> <tr> <td colspan="13">Residential Uses</td> </tr> <tr> <td><i>Second Suite</i> ⁽¹⁵⁾</td> <td></td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X⁽²⁾⁽³⁾</td> <td>X⁽²⁾⁽³⁾</td> <td>X⁽²⁾⁽³⁾</td> <td>X⁽²⁾⁽³⁾</td> <td>X⁽²⁾⁽³⁾</td> <td>X⁽²⁾⁽³⁾</td> </tr> <tr> <td colspan="13">Accessory Uses</td> </tr> <tr> <td></td> </tr> </tbody> </table> <p>(2) See 5.2.2.1(b) (3) See 5.2.3.1(a) (15) See 5.2.9</p>	Uses	Zones												Single Detached					Multiple				Apartment			RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2	Residential Uses													<i>Second Suite</i> ⁽¹⁵⁾		X	X	X	X	X	X ⁽²⁾⁽³⁾	Accessory Uses																										<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="3" style="width: 10%;">Uses</th> <th colspan="12">Zones</th> </tr> <tr> <th colspan="5">Single Detached</th> <th colspan="4">Multiple</th> <th colspan="3">Apartment</th> </tr> <tr> <th>RH</th> <th>R1</th> <th>R2</th> <th>R3</th> <th>R4</th> <th>RM1</th> <th>RM1-SS</th> <th>RM2</th> <th>RM2-TH</th> <th>RA1</th> <th>RA2</th> </tr> </thead> <tbody> <tr> <td colspan="13">Residential Uses</td> </tr> <tr> <td></td> </tr> <tr> <td colspan="13">Accessory Uses</td> </tr> <tr> <td><i>Second Suite</i> ⁽¹⁵⁾</td> <td></td> <td>X</td> </tr> <tr> <td><i>Detached Accessory Dwelling Unit</i> ⁽¹⁵⁾</td> <td></td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>(15) See 5.2.9</p>	Uses	Zones												Single Detached					Multiple				Apartment			RH	R1	R2	R3	R4	RM1	RM1-SS	RM2	RM2-TH	RA1	RA2	Residential Uses																										Accessory Uses													<i>Second Suite</i> ⁽¹⁵⁾		X	X	X	X	X	X	X	X	X	X	X	<i>Detached Accessory Dwelling Unit</i> ⁽¹⁵⁾		X	X	X	X	X	X	X	X								
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4.2	5.2.9	Reorganize Section 5.2.9 and clarify the type of built form that second suites and detached accessory dwelling units are permitted to be <u>accessory</u> to the primary dwelling unit.	<p>5.2.9 Second Suites</p> <p><u>5.2.9.1 General</u></p> <p>A free standing detached dwelling in an (RM1-SS) <i>Zone</i> may be constructed or converted to include a second <i>dwelling unit</i>.</p>	<p>5.2.9 Second Suites and Detached Accessory Dwelling Units</p> <p><u>5.2.9.1 Standards for Second Suites</u></p> <p>a) A second suite is a permitted <i>accessory use</i> within a <i>single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit</i> in accordance with Table 5.2; b) A <i>second suite</i> shall be located within the <i>principal building</i> that has <i>frontage</i> on a <i>municipal street</i>; c) A maximum of one (1) <i>second suite</i> is permitted per <i>lot</i>;</p>																																																																																																																																																																																													

	<p>Introduce maximum unit size restrictions for both <i>second suites</i> and <i>detached accessory dwelling units</i>.</p> <p>Introduce new development standards for <i>detached accessory dwelling units</i>, including minimum lot area requirements, maximum height requirements, new minimum yard setbacks, minimum driveway lengths, and restrictions on <i>basements/below grade habitable space</i>.</p> <p>Introduce options for as of right two storey <i>detached accessory dwelling units</i> subject to development standards, including a requirement for the first storey to be used as a <i>private garage</i>.</p>	<p>Except as provided herein, a <i>second suite</i> and a <i>detached accessory dwelling unit</i> shall be permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3 and RM2-TH zones where the principal <i>dwelling unit</i> has frontage on a municipal <i>street</i> subject to the following: (By-law 2019-115)</p> <ul style="list-style-type: none"> a) (deleted by By-law 2020-018) b) (deleted by By-law 2017-079) c) A maximum of one <i>detached accessory dwelling unit</i> and one <i>second suite</i> within the principal dwelling shall be permitted per lot. (By-law 2019-115) d) (deleted by By-law 2019-115) e) A <i>detached accessory dwelling unit</i> shall be permitted in a <i>detached accessory building</i> subject to the standards in section 5.3.5 and sections 4.5.1 & 4.5.2 of this By-law. f) A <i>second suite</i> or <i>detached accessory dwelling unit</i> shall not be less than 35m² in size. (By-law 2015-056) (By-law 2019-115) g) <i>Second suites</i> and <i>detached accessory dwelling units</i> are not permitted on a lot with a <i>boarding, lodging, rooming house</i>. (By-law 2019-115) <p>5.2.9.2 Parking</p> <p>That notwithstanding the parking requirements set out in Table 4.6 the following shall apply to a property containing a <i>second suite</i>, a <i>detached accessory dwelling unit</i>, or both: (By-law 2019-115)</p> <ul style="list-style-type: none"> a) A minimum of 1 parking space per dwelling unit is required in the R1, R2, R3, R4, R5, RM1, RM1-SS, RM2, RM3 and RM2-TH zones; and (By-law 2019-115) \ b) Tandem parking is permitted. (By-law 2015-056) <p>5.2.9.3 Standards</p> <ul style="list-style-type: none"> a) Any existing lot or structure is exempt from meeting the current residential zoning standards when incorporating a <i>second suite</i>, save and except for parking required in section 5.2.9.2. New construction or additions to an existing building are required to comply with the development standards referenced in section 5.3. (By-law 2017-079) b) Except in the Georgian Neighbourhood Study Boundary Area, any <i>second suite</i> that existed on February 18th, 2015 shall be permitted subject to compliance with the standards set out in section 5.2.9.2. (By-law 2015-056) 	<ul style="list-style-type: none"> d) A <i>second suite</i> shall occupy a maximum of 45% of the <i>gross floor area</i> of the <i>principal building</i> it is located within, except where a <i>second suite</i> is located wholly within the <i>basement</i> of a one (1) storey dwelling, in which case it may occupy the whole of the <i>basement</i>. e) Any existing <i>lot</i> or <i>principal building</i> is exempt from meeting the current residential zoning standards when incorporating a <i>second suite</i>, save and except for parking required in Section 5.2.9.2. New construction or additions to an existing building are required to comply with the development standards in Section 5.3. <p>5.2.9.2 Standards for Detached Accessory Dwelling Units</p> <ul style="list-style-type: none"> a) A <i>detached accessory dwelling unit</i> is a permitted <i>accessory use</i> to a <i>single detached dwelling, duplex dwelling, semi-detached dwelling unit, or street townhouse dwelling unit</i>, in accordance with Table 5.2, subject to the following development standards: <p style="text-align: center;">Table 5.2.9.2</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Single (1) Storey Detached Accessory Dwelling Unit</th> <th style="text-align: center;">Two (2) Storey Detached Accessory Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td>Minimum lot area</td> <td style="text-align: center;">400m²</td> <td style="text-align: center;">600m²</td> </tr> <tr> <td>Maximum building height</td> <td style="text-align: center;">4.5m</td> <td style="text-align: center;">6.5m</td> </tr> <tr> <td>Minimum interior side yard setback</td> <td style="text-align: center;">1.2m</td> <td style="text-align: center;">1.2m</td> </tr> <tr> <td>Minimum exterior side yard setback</td> <td style="text-align: center;">3.0m</td> <td style="text-align: center;">3.0m</td> </tr> <tr> <td>Minimum rear yard setback</td> <td style="text-align: center;">1.2m</td> <td style="text-align: center;">3.0m</td> </tr> </tbody> </table> <ul style="list-style-type: none"> b) A <i>detached accessory dwelling unit</i> shall be located on the same <i>lot</i> as a <i>principal building</i> that has <i>frontage</i> on a municipal <i>street</i>. c) A <i>detached accessory dwelling unit</i> may be a stand alone <i>building</i>, or located within, or attached to, an <i>accessory building or structure</i>, provided the <i>accessory building or structure</i> complies with the minimum <i>setback</i> requirements in Table 5.2.9.2. d) A maximum of one (1) <i>detached accessory dwelling unit</i> is permitted per <i>lot</i>. e) A <i>detached accessory dwelling unit</i> shall only contain one (1) <i>dwelling unit</i>. f) A <i>detached accessory dwelling unit</i> is not permitted a <i>front yard</i>. g) A <i>detached accessory dwelling unit</i> shall have a maximum <i>gross floor area</i> equal to 45% of the <i>gross floor area</i> of the <i>principal building</i>, up to a maximum of 65m². h) A <i>detached accessory dwelling unit</i> shall be included when calculating the maximum lot coverage for <i>accessory buildings and structures</i> as set out in Section 5.3.9. i) A <i>detached accessory dwelling unit</i> is not permitted to have a <i>basement</i> or other <i>habitable living space</i> below grade. Where the grading adjacent to a <i>detached accessory dwelling</i> is sloped, resulting in a partially below grade <i>storey</i> or walk-out condition, the <i>detached accessory dwelling unit</i> shall be considered a two (2) storey <i>detached accessory dwelling unit</i> for the purposes of compliance with the development standards in Table 5.2.9.2, and the partially below grade floor shall be considered the <i>first storey</i> for the purposes of compliance with Section 4.5.2 i). j) The <i>first storey</i> of a two (2) storey <i>detached accessory dwelling unit</i> shall be used as a <i>detached private garage</i>. k) Where a <i>detached accessory dwelling unit</i> is attached to a <i>detached private garage</i>, a minimum driveway length of 6.0m, measured from the garage door to the lot line, is required. l) Any external staircase, <i>second storey deck</i>, balcony, or similar <i>accessory structure</i> is not permitted to encroach within the required yard setbacks in Table 5.2.9.2 and shall comply with the minimum yard setbacks requirements for the <i>detached accessory dwelling unit</i>. m) A <i>detached accessory dwelling unit</i> shall comply with the requirements of Sections 4.5.1, 4.5.2 and 4.5.3. 		Single (1) Storey Detached Accessory Dwelling Unit	Two (2) Storey Detached Accessory Dwelling Unit	Minimum lot area	400m ²	600m ²	Maximum building height	4.5m	6.5m	Minimum interior side yard setback	1.2m	1.2m	Minimum exterior side yard setback	3.0m	3.0m	Minimum rear yard setback	1.2m	3.0m
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DEVELOPMENT SERVICES DEPARTMENT
MEMORANDUM

				5.2.9.3 Parking Standards a) Notwithstanding the parking requirements set out in Table 4.6 the following shall apply to a property containing a <i>second suite</i> , a <i>detached accessory dwelling unit</i> , or both: i. A minimum of 1 parking space per <i>dwelling unit</i> is required in the R1, R2, R3, R4, R5, RM1, RM1-SS, RM2, RM2-TH, and RM3 zones. ii. A <i>Tandem parking space</i> is permitted.																									
4.3	Table 14.5.2	Change "Two Unit Dwelling" to "Semi-Detached, Duplex Dwelling" for consistency with Table 5.2 and to clarify permitted built form.	<table border="1"> <thead> <tr> <th rowspan="2">Uses</th> <th colspan="2">Zones</th> </tr> <tr> <th>Neighbourhood Residential R5</th> <th>Neighbourhood Multiple Residential RM3</th> </tr> </thead> <tbody> <tr> <td colspan="3">Residential Uses</td> </tr> <tr> <td>Two Unit Dwelling</td> <td>X</td> <td></td> </tr> </tbody> </table>	Uses	Zones		Neighbourhood Residential R5	Neighbourhood Multiple Residential RM3	Residential Uses			Two Unit Dwelling	X		<table border="1"> <thead> <tr> <th rowspan="2">Uses</th> <th colspan="2">Zones</th> </tr> <tr> <th>Neighbourhood Residential R5</th> <th>Neighbourhood Multiple Residential RM3</th> </tr> </thead> <tbody> <tr> <td colspan="3">Residential Uses</td> </tr> <tr> <td>Semi-Detached, Duplex Dwelling</td> <td>X</td> <td></td> </tr> </tbody> </table>	Uses	Zones		Neighbourhood Residential R5	Neighbourhood Multiple Residential RM3	Residential Uses			Semi-Detached, Duplex Dwelling	X				
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4.4	Table 14.5.2	Delete notation (1) as the type of dwelling a second suite can be in has been clarified in the definitions and Section 5.2.9 and add Detached Accessory Dwelling as a permitted accessory use, with notation (3).	<table border="1"> <thead> <tr> <th rowspan="2">Uses</th> <th colspan="2">Zones</th> </tr> <tr> <th>Neighbourhood Residential R5</th> <th>Neighbourhood Multiple Residential RM3</th> </tr> </thead> <tbody> <tr> <td colspan="3">Accessory Uses</td> </tr> <tr> <td>Second Suite⁽¹⁾⁽³⁾</td> <td>X</td> <td>X</td> </tr> </tbody> </table> <p>(1) A second suite in the RM3 Zone is not permitted in a Walk-Up Apartment or Apartment Dwelling. (2) Permitted only where these uses are located on major collector and arterial roads. (3) <i>Second suites</i> and <i>detached accessory dwelling units</i> in the R5 Zone and RM3 Zone shall be permitted in accordance with the provisions and standards of Section 5.2.9. (By-law 2019-115)</p>	Uses	Zones		Neighbourhood Residential R5	Neighbourhood Multiple Residential RM3	Accessory Uses			Second Suite ⁽¹⁾⁽³⁾	X	X	<table border="1"> <thead> <tr> <th rowspan="2">Uses</th> <th colspan="2">Zones</th> </tr> <tr> <th>Neighbourhood Residential R5</th> <th>Neighbourhood Multiple Residential RM3</th> </tr> </thead> <tbody> <tr> <td colspan="3">Accessory Uses</td> </tr> <tr> <td>Second Suite⁽³⁾</td> <td>X</td> <td>X</td> </tr> <tr> <td>Detached Accessory Dwelling Unit⁽³⁾</td> <td>X</td> <td>X</td> </tr> </tbody> </table> <p>(1) Deleted (By-law 2021-XX) (2) Permitted only where these uses are located on major collector and arterial roads. (3) <i>Second suites</i> and <i>detached accessory dwelling units</i> in the R5 Zone and RM3 Zone shall be permitted in accordance with the provisions and standards of Section 5.2.9. (By-law 2019-115)</p>	Uses	Zones		Neighbourhood Residential R5	Neighbourhood Multiple Residential RM3	Accessory Uses			Second Suite ⁽³⁾	X	X	Detached Accessory Dwelling Unit ⁽³⁾	X	X
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5. Add Residential uses in conjunction with Institutional uses to the permitted uses in Section 8																													
Item	Section Reference	Revisions/Explanation	Existing – By-law 2009-141	Proposed Revisions																									
5.1	Table 8.3	Update Table 8.3 to permit residential uses in conjunction with permitted institutional uses under an "accessory uses" heading. Additional development standards are forthcoming, based on public feedback on this proposed amendment but it is intended that the existing zoning standards would apply based on the proposed built form.	[None]	<table border="1"> <thead> <tr> <th rowspan="2">Uses</th> <th colspan="3">Zones</th> </tr> <tr> <th>Major Institutional (I-M)</th> <th>Institutional (I)</th> <th>Educational Institutional (I-E)</th> </tr> </thead> <tbody> <tr> <td colspan="4">Accessory Uses</td> </tr> <tr> <td>Residential uses in conjunction with permitted institutional uses</td> <td></td> <td>X</td> <td></td> </tr> </tbody> </table>	Uses	Zones			Major Institutional (I-M)	Institutional (I)	Educational Institutional (I-E)	Accessory Uses				Residential uses in conjunction with permitted institutional uses		X											
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